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JUN 18 2009

OFFICE OF PETITIONS

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|--|---------------------------|
| In re Application of | : |
| Shota Murakami, et. al. | : |
| Application No. 10/574,977 | : DECISION ON PETITION |
| Filed: April 7, 2006 | : UNDER 37 CFR 1.78(a)(3) |
| Attorney Docket No. 23697-015US1/NF-2981 | : |

This is a decision on the amendment filed June 16, 2009, which is being treated as a renewed petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed nonprovisional and PCT application, as set forth in the concurrently filed amendment.

The instant petition is not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Sushil Shrinivasan appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. If Mr. Shrinivasan desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record until otherwise instructed.

A decision on the renewed petition filed on December 19, 2008 was rendered on June 17, 2009. At the time the renewed petition was decided, the undersigned was not aware of the substitute amendment filed by the Electronic Filing System (EFS-web) on June 16, 2009. As such, the substitute amendment crossed with the decision mailed on June 17, 2009. Therefore, per discussion with the attorney listed above on June 17, 2009, the amendment filed by EFS-web on June 16, 2009, is being considered as a renewed petition.

The renewed petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

- (1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
- (2) the surcharge set forth in § 1.17(t); and
- (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. §§ 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed applications. In order for the application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 365(c) and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the application is entitled to the benefit of the earlier filing date.

This application is being forwarded to the examiner of Technology Center Art Unit 3617 for consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to the prior-filed applications.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3226. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

/Andrea M. Smith/
Andrea Smith
Petitions Examiner
Office of Petitions

Enclosure: Corrected Filing Receipt

cc: Sushil Shrinivasan
Fish & Richardson, P.C.
1425 K Street, NW – 11th Floor
Washington, DC 20005-3500



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| APPLICATION NUMBER | FILING or 371(c) DATE | GRP ART UNIT | FIL FEE REC'D | ATTY.DOCKET.NO | TOT CLAIMS | IND CLAIMS |
|-----------------------|--------------------------|-----------------|---------------|------------------------|------------|------------|
| 10/574,977 | 04/07/2006 | 3617 | 1260 | 23697-015US1 / NF-2981 | 7 | 1 |

CONFIRMATION NO. 5933

CORRECTED FILING RECEIPT

26171
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MINNEAPOLIS, MN 55440-1022



0000000036532713

Date Mailed: 06/18/2009

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Shota Murakami, Osaka, JAPAN;
Tsuyoshi Yoshida, Osaka, JAPAN;

Power of Attorney:

Walter Renner--41265

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/JP2004/014732 10/06/2004
which is a CON of 10/683,269 10/14/2003 ABN

Foreign Applications

If Required, Foreign Filing License Granted: 02/23/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/574,977**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pin assembly of track roller bogie in crawler type traveling apparatus and crawler type traveling apparatus with the assembly

Preliminary Class

305

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

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NOT GRANTED

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